

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

PRE-PAID LEGAL SERVICES, INC.,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	
)	Case No. CIV-12-346-JHP
TODD CAHILL,)	
)	
Defendant/Counterclaimant.)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE UNDER SEAL
MOTION TO COMPEL TERM SEARCHING OF ELECTRONICALLY
STORED INFORMATION AND BRIEF IN SUPPORT**

Plaintiff, Pre-Paid Legal Services, Inc., now known as LegalShield (“LegalShield”), respectfully requests leave of Court to file under seal its Motion to Compel Term Searching of Electronically Stored Information and Brief in Support submitted contemporaneously herewith, pursuant to Local Civil Rule 79.1. In support of this Motion, LegalShield states as follows:

1. LegalShield’s Motion to Compel and attached exhibits include discussion of information which is confidential and proprietary pursuant to the Agreed Protective Order. In particular, the Motion includes extensive confidential information obtained in collateral arbitrations between LegalShield and several of Defendant’s colleagues who, like Defendant, left LegalShield for another network marketing company and began recruiting LegalShield sales associates in violation of their agreements with LegalShield and Oklahoma law. Pursuant to modified protective orders entered in those arbitrations, LegalShield is permitted to use documents obtained in discovery in those matters in the present action, subject to the provisions of the protective orders entered by the arbitrators presiding over the collateral litigation. Many of the attached exhibits were designated “CONFIDENTIAL” pursuant to the protective orders entered in the collateral matters, which require that such material be filed under seal if submitted

to a court or tribunal. The content of those exhibits are discussed in the Motion to Compel. Thus, LegalShield seeks to file the Motion and exhibits under seal to comply with those orders.

2. The Agreed Protective Order filed in this case on August 19, 2015 also provides that such confidential material filed with the Court must be submitted under seal. *See* Agreed Protective Order at 10, Dkt. #86.

3. Local Civil Rule 79.1 provides for the sealing of documents “upon a showing that a legally protected interest of a party, non-party or witness outweighs the compelling public interest in disclosure of records.” LCvR 79.1(a).

4. The parties have entered into a protective order to shield confidential and proprietary information from disclosure. The Tenth Circuit endorses such agreements to protect trade secrets and confidential or privileged commercial, employment, and financial information. *See Schoenfeld v. AT&T Commc’ns of Mountain States, Inc.*, 930 F.2d 35 (10th Cir. 1991) (affirming the district court’s order sealing plaintiff’s motion to reconsider that contained confidential information entitled to protection under the protective order); *AST Sports Science, Inc. v. CLF Distrib. Ltd.*, 514 F.3d 1054, 1057 n.1 (10th Cir. 2008) (granting motion to seal brief and appendix where the parties entered into a stipulation and protective order regarding potential disclosure of confidential information in the district court).

5. The sealing of LegalShield’s Motion to Compel and exhibits is therefore requested under this law, the Agreed Protective Order in this case, and protective orders entered in the collateral litigation between LegalShield and former sales associates.

A proposed form of order for the filing of the Motion to Compel and accompanying exhibits under seal is submitted contemporaneously herewith.

WHEREFORE, LegalShield respectfully requests that its Motion to Compel Term Searching of Electronically Stored Information and accompanying exhibits, submitted contemporaneously herewith, be filed under seal.

Respectfully submitted,

/s Timila S. Rother

Brooke S. Murphy, OBA #6524

Timila S. Rother, OBA #14310

Paige A. Masters, OBA #31142

– Of the Firm –

CROWE & DUNLEVY

A Professional Corporation

324 N. Robinson Ave., Suite 100

Oklahoma City, OK 73102

(405) 235-7700

(405) 239-6651 (Facsimile)

brooke.murphy@crowedunlevy.com

timila.rother@crowedunlevy.com

paige.masters@crowedunlevy.com

**ATTORNEYS FOR PLAINTIFF/
COUNTERCLAIM DEFENDANT
PRE-PAID LEGAL SERVICES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November 2015, I electronically transmitted the attached document to the Court Clerk using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

Gary E. Smith: gespc1@yahoo.com

Jay P. Walters: jwalters@gablelaw.com

Graydon Dean Luthey, Jr.: dluthey@gablelaw.com

Adam C. Doverspike: adoverspike@gablelaw.com

Ron Wright: ron@wsfw-ok.com

s/ Timila S. Rother

Timila S. Rother